

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN KERWIN

VS.

LT. WILLIAM MCCONNELL

: CASE #05-93 ERIP
:
: MAGISTRATE JUDGE SUSAN BAXTER
:
: DISTRICT JUDGE SEAN MCLAUGHLIN

CLERK
DISTRICT COURT
06 FEB 16 PM 2:07

MOTION FOR SANCTIONS

Plaintiff moves this court for an order pursuant to Rule 37 (b)(2) of the Federal Rules of Civil Procedure imposing sanctions on the defendant for failing to obey this court's order directing him to respond to plaintiff's motion to compel discovery. (Doc. # 43)

Plaintiff filed this motion to compel pursuant to Rule 37 (a) of the Federal Rules of Civil Procedure on January 22, 2006 for the defendant's failure to respond to his interrogatories and requests for production of documents. (Doc. #41) On January 25, 2006 this court then ordered the defendant to respond to this motion to compel by February 10, 2006. (Doc. #43)

To date, (February 14, 2006) the defendant has yet to obey this court's order and respond to plaintiff's motion to compel. This is notably just one more instance of deliberate delay in a long line of dilatory tactics.

The defendant has already missed the first responsive pleading deadline in this case by 2 days, had 2 extensions of time in which to file a responsive pleading (Doc. #'s 15 and 19), missed the 3rd responsive pleading deadline resulting in an entry of default (Doc. #24), failed to respond to 3 motions for summary judgement (court dismissed motions as premature because defendant had not yet filed an answer), and failed to provide plaintiff with responses to his interrogatories and his requests for production of documents.

Plaintiff also moves for an order pursuant to Rule 37 (b)(2) requiring the defendant to pay the sum of \$25.00 (in addition to the \$25.00 requested in plaintiff's motion to compel) as reasonable expenses in obtaining this order on the grounds that the defendant's refusal to comply with the court's order had no substantial justification.

Respectfully submitted,

2/14/06

Date

Ryan Kerwin

Ryan Kerwin

DZ0246

S.C.I. Albion

10745 Route 18

Albion, PA. 16475-0002

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CERTIFICATE OF SERVICE

I hereby declare that I mailed a true and correct copy of the attached motion for sanctions and the brief in support thereof to the defendant's counsel at the following address:

Kemal Alexander Mericli
Office of Attorney General
564 Forbes Ave.
Manor Complex
Pittsburgh, PA. 15219

2/14/06

Date

Ryan Kerwin

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